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February 7, 2018

VIA ELECTRONIC FILING

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Courtroom 705
New York, New York 10007
Fax: (212) 805-7986

Re: Ruth Rojas Duarte v. St. Barnabas Hospital (Civil Action No.: 15-cv-6824)

Dear Your Honor:

The undersigned is counsel to plaintiff Ruth Rojas Duarte ("Plaintiff") in the above referenced matter. We write to respectfully request that Your Honor issue an order regarding the deadline for Plaintiff to file her post-trial application for attorneys' fees and costs, as discussed on the record following delivery of verdict on January 26, 2018.

Specifically, the Federal Rule of Civil Procedure 54, Plaintiff is required to file her motion for attorneys' fees within fourteen (14) days of entry of judgment, which entry was made in this matter on January 30, 2018. However, following delivery of the jury's verdict on January 26, 2018, Plaintiff's co-counsel Gabrielle Vinci appealed to the court for an extension of time to submit Plaintiff's post-trial motion for fees and costs given Defendant's representation that it intended to file its own post-trial motions. Specifically, the following was discussed on the record:

Ms. Vinci: Your Honor, Plaintiff would also like to make an application for fees, for attorneys' fees, but we would like to reserve our right to do that by written submission. I understand under the rules it is 14 days after judgment is entered. We are happy to stay within that time-frame. If Your Honor would allow us to use the same briefing schedule for Defendant's post-trial motions?

The Court: Right. I think that would make sense because your fee application will include fees with respect to the post-trial



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briefing. So I think it would make sense to adjourn the fee application until the briefing is complete on the post-trial motions.

Ms. Vinci: Thank you [Your] Honor. See Trial Trans. at 1007:9-20, annexed hereto as Exhibit A (emphasis added).

Currently, Defendant's post-trial motions, if any, are to be fully briefed and submitted on or before April 9, 2018. Pursuant to Ms. Vinci's application to the Court on January 26, 2018, Plaintiff respectfully asks that an order be entered adjourning Plaintiff's deadline to file a post-trial application for fees until April 23, 2018, two weeks after submission of Defendant's post-trial motions.

Counsel remains available should Your Honor have any questions or concerns. Thank you.

Respectfully submitted,

NESENOFF & MILTENBERG LLP

By: /S/ Megan Goddard
Megan S. Goddard, Esq.

cc: All Counsel (VIA ECF)

EXHIBIT A

11QJDUA1

Duarte - direct

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 RUTH DUARTE,

4 Plaintiff,

5 v.

15 Civ. 6824 PGG

6 ST. BARNABAS HOSPITAL,

7 Defendant.

8 -----x
9 January 26, 2018
10 Before:
11 9:00 a.m.
12

13 HON. PAUL G. GARDEPHE,
14 District Judge
15 and a jury
16

APPEARANCES

17 NESENOFF & MILTENBERG, LLP
18 Attorneys for plaintiff
BY: MEGAN S. GODDARD, Esq.
GABRIELLE M. VINCI, Esq.
- and -
GITLIN, HORN and VAN DE KIEFT LLP
BY: BRUCE J. GITLIN, Esq.
- and -
JOSEPH & NORINSBERG
BY: BENNITTA L. JOSEPH, Esq.
Of counsel

EPSTEIN BECKER & GREEN, PC
Attorneys for defendant
BY: DAVID W. GARLAND, Esq.
JOHN F. FULLERTON, III, Esq.
ADRIANA S. KOSOVYCH, Esq.
Of counsel

11QJDUA7

Verdict

1 MR. GARLAND: Yes, your Honor. Thank you.

2 MS. GODDARD: I don't think it matters, but I have
3 another trial due April 15th, all federal jury trials, but I
4 don't think I have to do anything in response to a reply, do I?

5 THE COURT: No. That would mean April 9th for the
6 reply. So we will enter an order providing for post-trial
7 briefing, moving papers February 26th, opposition March 26th,
8 reply April 9th. Anything else?

9 MS. VINCI: Your Honor, plaintiff would also like to
10 make an application for fees, for attorney's fees, but we would
11 like to reserve our right to do that by written submission. I
12 understand under the rules it is 14 days after judgment is
13 entered. We are happy to stay within that time-frame. If your
14 Honor would allow us to use the same briefing schedule for
15 defendant's post-trial motions?

16 THE COURT: Right. I think that would make sense
17 because your fee application will include fees with respect to
18 the post-trial briefing. So I think it would make sense to
19 adjourn the fee application until the briefing is complete on
20 the post-trial motions.

21 MS. VINCI: Thank your Honor.

22 THE COURT: All right. Anything else?

23 MR. GARLAND: No, your Honor. Thank you.

24 (Court adjourned)